
**Natural Resources, Ecology &
Parks Committee**

HB 1852

Brief Description: Creating a boater safety education program.

Sponsors: Representatives B. Sullivan, Buck, Williams, Jarrett, Wallace, Appleton, Rodne and Simpson.

Brief Summary of Bill

- Directs the State Parks and Recreation Commission to establish and implement by rule a required boating safety education program.
- Establishes a mandatory \$10 boater education card to be phased in from 2008 to 2016 for persons 16 years of age and older operating motor boats with 10 horsepower or more.

Hearing Date: 2/24/05

Staff: Jeff Olsen (786-7157).

Background:

The State Parks and Recreation Commission (Commission) is required to adopt and enforce recreational boating safety rules consistent with U.S. Coast Guard regulations. The Commission must also coordinate a statewide program of boating safety education using existing programs, when possible, offered by the U.S. Power Squadron and the U.S. Coast Guard Auxiliary. Recreational operators of motor driven boats and vessels are not required to complete a boating safety education program prior to operating the vessel.

SB 5898, passed during the 2003 legislative session, directed the Commission and the Boating Safety Advisory Council to review recreational boating safety accidents and suggest ways in which accidents could be reduced. To implement the bill, the Commission and the Boating Safety Advisory Council met four times over the interim and reviewed statistical information on recreational boating accidents. The primary recommendation of the advisory council is to mandate recreational boater education.

The monetary penalty for a natural resource infraction is set by the Supreme Court; however, the Legislature has limited the fine to no less than ten dollars and no more than five hundred dollars.

Summary of Bill:

The State Parks and Recreation Commission (Commission) must establish a program to provide required boating safety education. The program must be phased in by age so that all non-exempt boaters are required to obtain a boater education card by January 1, 2016. Beginning January 1, 2008, all boat operators 20 years old and younger must complete the mandatory education, and by January 1, 2016 all boaters will be required to complete the education requirement.

The boating safety education program must include a minimum standard of boating safety education accomplishment, minimum standards for boating safety course of instruction and examination, and accreditation to boating safety education courses operated by entities such as the U.S. Coast Guard Auxiliary and the U.S. Power Squadrons. Additionally, the program must include an equivalency exam that may be taken as an alternative to the boating safety education course, a \$10 fee to receive the boater education card, and a card replacement fee. The program must also include training on prevention of aquatic invasive species.

In order to operate a motor driven boat or vessel of 10 horsepower or more, a person must be at least 16 years old and:

1. Possess a boater education card or a certificate of accomplishment; or
2. Be accompanied by and under the supervision of a person at least 16 years old who has a boater education card or a certificate of accomplishment.

However, certain individuals are not required to have a boater education card, including persons not yet required to have a card under the phased schedule developed by the Commission, certain nonresident vessel operators, and persons renting a boat that are at least 16 years old who complete a Commission approved motor vessel safety checklist.

The following individuals may pay a \$10 fee and receive a boater education card without taking a course or equivalency exam:

1. Vessel operators engaged in commercial fishery operations;
2. Persons with a valid marine operator license issued by the U.S. Coast Guard when operating under the license;
3. Certain vessel operators engaged in law enforcement or government work; and
4. Any person who, prior to the effective date of this act, successfully completed a boating safety course substantially equivalent to the standards adopted by the Commission.

All fees collected for the issuance of a boater safety education card must be deposited in the newly created, nonappropriated Boating Safety Education Certification Account to be used for the administration of the boating safety education program.

A natural resource infraction is established for persons failing to possess a boater education card. The penalty may be reduced if the boater provides proof to the court within 60 days that he or she has received a certificate of accomplishment or boater education card.

Appropriation: None.

Fiscal Note: Requested on 2/14/05.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.